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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FEDERAL DEPOSIT INSURANCE  
CORPORATION, as Receiver of  
Heritage Community Bank,

Plaintiff,

v.

JOHN M. SAPHIR; PATRICK G.  
FANNING; STEPHEN FAYDASH;  
WILLIAM HETLER; THOMAS JELINEK;  
LORI A. MOSELEY; STEPHEN  
ANTHONY; JERRY C. BRUCER;  
JAMES K. CHAMPION; ANDREW B.  
NATHAN; and MARY C. MILLS,

Defendants.

No. 10-cv-07009  
Judge Rebecca R. Pallmeyer

**DEFENDANT PATRICK G. FANNING'S MOTION FOR LEAVE TO ADOPT  
CO-DEFENDANT'S MOTION TO DISMISS**

Defendant, PATRICK G. FANNING, by and through his attorneys in this regard, John J. Duffy, George K. Samuel, Daniel J. Cozzi and DONOHUE BROWN MATHEWSON & SMYTH LLC, respectfully moves for leave to join and adopt the motion to dismiss which has been filed by co-defendant, JOHN M. SAPHIR, as his motion to dismiss.

1. On January 24, 2011, defendant John M. Saphir, a director-defendant and loan committee defendant in this matter, filed a motion to dismiss the FDIC's complaint.

2. The allegations in the complaint against Mr. Fanning are identical to the allegations against co-defendant, Mr. Saphir. Therefore, the law and factual arguments put forth in Mr. Saphir's motion to dismiss filed with this Court on January 24, 2011, apply equally to Mr. Fanning.

WHEREFORE, for the foregoing reasons, defendant, PATRICK G. FANNING, respectfully requests that this Honorable Court enter an order allowing PATRICK G. FANNING leave to join and adopt JOHN M. SAPHIR'S motion to dismiss. This defendant further requests any additional relief that this Court may deem just and proper.

Respectfully submitted,

DONOHUE BROWN MATHEWSON & SMYTH LLC

By: /s/ George K. Samuel  
George K. Samuel

DONOHUE BROWN MATHEWSON & SMYTH LLC  
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